

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT  
DISTRICT OF MASS.

\_\_\_\_\_  
DONALD C. HUTCHINS

Plaintiff

v.

CARDIAC SCIENCE, INC., et al.,

Defendants  
\_\_\_\_\_

Civil Action: 04-30126-MAP

**PLAINTIFF'S ANSWER TO COMPLIENT CORPORATION'S MOTION TO  
FILE INSTANTER REPLY BRIEF IN SUPPORT OF ITS MOTION TO STRIKE  
PLAINTIFF'S AMENDED COMPLAINT**

On August 2, 2006, Plaintiff, Donald C. Hutchins filed an Amended Complaint.

On August 31, four weeks after Hutchins' filing, the Compliant Corporation ("Compliant") asks this Court to bend the rules and allow this Instanter Reply. Hutchins asks this Court to deny Compliant's request on grounds of timeliness.

Recent discovery produced by Compliant in the form of billing records attached as exhibits to his amended complaint and other recent filings support Hutchins' allegations of a conspiracy between Attorney Skaar and Compliant's attorneys to emasculate this federal patent action. These other filings indicate that Attorney Skaar misrepresented facts about Hutchins' intellectual properties as they relate to the asset purchase agreement between Compliant and the Cardiac Science Corporation.

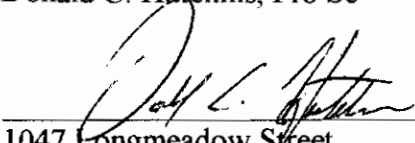
In addition, the billing records unequivocally show that Compliant's attorneys held at least five discussions with Judge Gallagher's staff attorney that were unrelated to scheduling. It is widely known that such independent discussion is not acceptable

practice in this federal Court. The Ohio staff attorney who held these discussions with Compliant's attorneys has left that position to enter private practice and is not available to verify Calfee's billing records. Her absence has allowed Calfee's attorneys to claim the order granting sanctions to be the "result of clerical error, an internal miscommunication, or something else." It is time for this Court to review the hard evidence presented by Hutchins rather than the conjecture offered in Compliant's belated motion for leave to file this instant reply.

The Plaintiff

Donald C. Hutchins, Pro Se

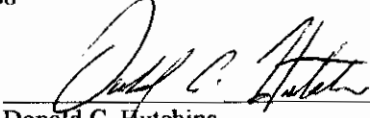
Dated, September 11, 2006

  
1047 Longmeadow Street  
Longmeadow, Massachusetts 01106  
(413) 567-0606

CERTIFICATE OF SERVICE

I, Donald C. Hutchins, 1047 Longmeadow Street, Longmeadow, Massachusetts 01106, hereby certify that I served a copy of the foregoing on the appropriate party by sending a copy by first class mail to: Randall T. Skaar, Esq., Patterson, Thunte, Skaar & Christensen, P.A., 4800 IDS Center, 80 South Eighth St., Minneapolis, MN 55402. Paul T. Rothschild, Esq., Bacon & Wilson P.C., 33 State Street, Springfield, MA 01103 John J. Egan, Esq., Egan, Flanagan and Cohen, P.C., 67 Market Street, Springfield, MA 01102-9035, Jeffrey Lauderdale, Esq., Calfee, Halter & Griswold LLP, 1400 Mc Donald Investment Center, 800 Superior Ave., Cleveland, OH 44114-2688

Dated: September 11, 2006

  
Donald C. Hutchins